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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______ DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CHARLEY LARRY	§	
	§	
Plaintiff,	§	
v.	§	
	§	**CIVIL ACTION NO.** A11CA027 LY
TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES	§	
	§	
	§	
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

I. INTRODUCTORY STATEMENT

This is an action regarding Defendant's refusal to hire Plaintiff because of his sex and in retaliation for having in the past opposed illegal gender discrimination.

II. PARTIES

1. Charlie Larry is a citizen of the United States and a resident of Denton County Texas.

2. Defendant Department Of Ageing And Disability Services Is a department of the government of The State Of Texas and is headquartered in Travis County Texas which is located in the Western District Of Texas, Austin Division. The defendant resides in the Western District Of Texas and maintains records relevant to Plaintiff's claims in said district. Venue is therefore proper in the Western District Of Texas.

III. JURISDICTION

3. Jurisdiction is conferred on the Court by the Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e et. seq. giving the District Court original jurisdiction of any civil action or proceeding arising under any Act of Congress regulating commerce without regarding to the citizenship of the

parties or the sum or value in controversy. The jurisdiction of this court is invoked to secure protection of and redress deprivation of rights secured by federal law which provides for relief for sex discrimination and retaliation for opposing conduct made illegal by Title VII as well as by 42 U.S.C. § 1981 and 1981a.

IV. PROCEDURAL PREREQUISITES

4. On October 26, 2010 Plaintiff timely filed a charge of discrimination with the Equal Opportunity Commission regarding the matters herein asserted, specifically defendant has adopted a policy at one of their state schools, and perhaps others, restricting certain jobs to females only, that defendant has refused to hire him because of his sex and/or refused to hire him in retaliation for having opposed defendant's policy of discriminating on the basis of sex in the past. Plaintiff has now received a notice of right to sue and has filed this suit within 90 days of receipt. All conditions precedent to the filing of this action have occurred.

V. FACTS

5. Defendant, at its Denton State School, and perhaps at other facilities as well, maintains a policy of excluding, on a blanket bases, male employees and applicants for employment in certain jobs which are open to females. Specifically, and without regard to qualifications, males are excluded from position that involve providing direct care to female residents. In the 300 days immediately prior to the filing of his charge, and before, Plaintiff sought numerous such positions and was denied them solely because of his sex, male, in violation of Title VII of the 1964 Civil Rights Act as amended.

6. Additionally and in the alternative Plaintiff has opposed sexually discriminatory conduct which violates Title VII of the 1964 Civil Rights Act by filing numerous charges of discrimination

with the Equal Employment Opportunity Commission and by filing a state court action for violation of his right to be free from discrimination on the basis of his sex. Defendant has denied Plaintiff equal employment opportunities in retaliation for those acts of opposition and participation by refusing to hire him for positions for which he is well qualified.

VI.
CAUSE OF ACTION FOR SEX DISCRIMINATION

7. Plaintiff is an employee as that term is defined in Title VII of the 1964 Civil Rights Act as amended.

8. Defendant is an employer as that term is defined in Title VII of the 1964 Civil Rights Act as amended.

9. On numerous occasions during the 300 days immediately preceding the filing of the attached EEOC charge Plaintiff was a bona fide applicant for open job positions for which he was fully qualified. He was disqualified from those jobs, by the defendant, because of his gender, male, in compliance with a discriminatory policy existing at defendant's facility in Denton Texas that denies equal employment opportunities to person on account of their sex.

VII.
RETALIATION

10. Alternatively defendant refused to hire Plaintiff in retaliation for plaintiff having filed EEOC charges and a law suit alleging that defendant had discriminated against him because of his sex and retaliated against him for opposing illegal activity.

VIII.
PRAYER

Upon final hearing Plaintiff asks the court to grant the following relief:

11. Grant a Declaratory Judgment declaring defendant's policy of denying a category of jobs to male employees to be in violation of Title VII of the 1964 Civil Rights Act.

12. Grant a permanent injunction enjoining defendant from discriminating against Plaintiff or other male applicants or employees with respect to hire or job assignment on account of their sex.

13. Grant Plaintiff back pay, front pay, instatement into a job for which he is qualified and such other equitable relief to which he may show himself entitled.

14. Grant Plaintiff compensatory damages to compensate him.

15. Grant Plaintiff an award of pre-judgment and post judgment interest on all amounts awarded pursuant to Plaintiff claims.

16. Grant Plaintiff an award of all costs and attorney's fees for the preparation, trial and all appeals of this civil action.

17. Grant Plaintiff such further relief as the court deems just and proper.

Respectfully Submitted,

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